

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X
SCOTT WHITE,

Plaintiff,

v.

NANCY A. BERRYHILL,
ACTING COMMISSIONER OF SOCIAL SECURITY,

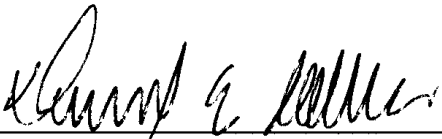
Defendant.
-----X

**CONSENT ORDER TO
REMAND PURSUANT TO
SENTENCE 4 OF
42 U.S.C. § 405(g)**
Civil Action
No. 17-cv-01238 (DEP)

This matter having been opened to the Court by Grant C. Jaquith, United States Attorney for the Northern District of New York, and David B. Myers, Special Assistant United States Attorney, attorney for Defendant, for an Order remanding the within cause of action to the Defendant pursuant to sentence 4 of 42 U.S.C. § 405(g) so that further administrative action, including a *de novo* hearing and the issuance of a new decision, may be taken; and Plaintiff, through the undersigned attorney, having consented to the within order and the requested remand, and the Court having considered the matter,

IT IS on this 21st day of September, 2018;

ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for this further administrative action, and it is further ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).



David E. Peebles
U.S. Magistrate Judge

The undersigned hereby consent to the form and entry of the within order.

Grant C. Jaquith
United States Attorney

By: /s/ David B. Myers
David B. Myers
Special Assistant U.S. Attorney
Bar No. 518640

Social Security Administration
Office of the General Counsel
26 Federal Plaza, Room 3904
New York, NY 10278

Olinsky Law Group

By: /s/ Howard D. Olinsky
Howard D. Olinsky, Esq.
Bar No. 102297
One Park Place
300 South State Street, Suite 420
Syracuse, NY 13202